

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,	:	
Plaintiff	:	
v.	:	Docket No. 07-00153-01
	:	Hon. Gene E.K. Pratter
TROY S. DAMIANO,	:	
Defendant	:	

**ORDER**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 2019, upon consideration of Defendant's Petition for Early Termination of Supervised Release, it is hereby

ORDERED that the within Petition is granted and the sentence of supervise release imposed upon Defendant, Troy S. Damiano, is terminated as of the date of this Order.

BY THE COURT:

---

J.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,	:
Plaintiff	:
v.	: Docket No. 07-00153-01
	: Hon. Gene E.K. Pratter
TROY S. DAMIANO,	:
Defendant	:

**DEFENDANT'S PETITION FOR EARLY TERMINATION OF  
SUPERVISED RELEASE**

**I. INTRODUCTION.**

NOW COMES the Defendant, TROY S. DAMIANO, appearing pro se, and respectfully requests this Honorable Court to terminate the imposed term of supervised release pursuant to 18 U.S.C. 3583(e)(1) and Fed R. Crim. P. 32.(c)(2)(c). No hearing is sought in the matter per Fed R. Crim.P. 32.(c)(2)(B).

I was sentenced on October 7, 2007 to a term of forty-six months imprisonment followed by six (6) years of supervised release. This sentence was imposed after I pleaded guilty to one count of conspiracy to possess with intent to distribute heroin and one count of possession with intent to distribute heroin. This sentence was to be served consecutively with the sentence I was then serving pursuant to a judgment entered in the Court of Common Pleas of Berks County, Pennsylvania.

I was released by the Bureau of Prisons on September 1, 2015 and commenced by supervised release began on September 1, 2015. I have already completed more than half of my six years of supervised release.

I am being supervised in the Eastern District of Pennsylvania where I live and work. At the time of my sentencing, an assessment in the amount of \$200.00 was imposed as well as a fine in the amount of \$3000.00, both of which have been paid in full. I was not adjudged any restitution.

Based on my successful performance on supervised release and the additional factors provided in this Motion, I move the Court for entry of an order terminating the remainder of my term of supervised release.

## II. THE LEGAL STANDARD

Under 18 U.S.C. Section 3583(e), the Court has authority to grant early termination of a previously imposed term of supervised release.

(e) Modification of conditions or revocation. The court may, after considering the factors set forth in 18 U.S.C. Section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7).

(1) terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interests of justice.

18 U.S.C. Section 3583(e)(1); see also Fed. R. Crim. Procedure 32.1(c)(1), (2)(B) & (C) (providing for hearings for modification of supervised release, unless the result is favorable to the person supervised and the government does not object after notice).

To be eligible for termination of supervised release the defendant must meet a two prong test establishing that termination is warranted by (1) “the conduct of the defendant” and (2) “the interest of justice.” 18 U.S.C. Section 3583(e)(1).

The Judicial Conference has identified the following criteria to assess eligibility for early termination:

1. stable community reintegration (e.g., residence, family, employment);
2. progressive strides toward supervision objectives and in compliance with all conditions of supervision;
3. no aggravated role in the offense of conviction, particularly large drug or fraud offenses;
4. no history of violence (e.g., sexually assaultive, predatory behavior, or domestic violence);
5. no recent arrests or convictions (including unresolved pending charges), or ongoing, uninterrupted patterns of criminal conduct;
6. no recent evidence of alcohol or drug abuse;
7. no recent psychiatric episodes;
8. no identifiable risk to the safety of any identifiable victim; and
9. no identifiable risk to public safety based on the Risk Prediction Index (RPI).

Guide to Judiciary Policy, Vol. 8E, Ch. 3 § 380.10(b), "Early Termination"  
(Monograph 109)(rev'd 2010)(emphasis added).

On February 16, 2012 the Honorable Robert Holmes Bell, Chair of the Committee on Criminal Law of the Judicial Conference, issued a memorandum to all United States District Court Judges regarding to strategies related to cost-cutting for probation and pre-trial services. He encourages Judges to consider the factors listed above in considering early termination of supervised release and also discussed the results of early termination on recidivism in his memorandum:

"...staff examined whether offenders whose supervision was terminated early (ET) had different recidivism rates than similar offenders who were terminated at the full completion of their supervision term (FT). Results indicated that ET cases were arrested less often, for less serious charges, and were sentenced to terms of imprisonment less often. From a policy standpoint, it appears that the above criteria, when properly applied, does not jeopardize public safety."

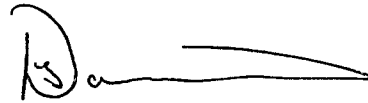
### **III. SATISFACTION OF CREITERIA FOR EARLY TERMIANTION**

I have complied with all conditions of supervision and met all his supervision objectives. I have paid my assessment and fees in full. I have complied with the special conditions of my supervised release. I have received no infractions or violations of supervision and have complied with every condition of my release.

I have steady employment through Berks Construction Company. In addition, I assist my mother in the management of her investment properties. My family, including my mother, sister and two daughters reside in Wyomissing. I also have family in Italy who are elderly and have health issues. I have very close relationships with my daughters. My oldest daughter is a freshman at Duquesne and my younger daughter is a student at Wyomissing High School. I make a significant financial contribution to their support, including college expenses. I have fully reintegrated into society in all respects: family, employment, housing. If my supervised release is terminated it will afford me additional employment opportunities and enable me to visit family in Italy who I have not seen for many years.

Dated: March 25, 2019

Respectfully submitted,



---

Troy Damiano,  
Pro Se Defendant, Movant

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,	:	
Plaintiff	:	
	:	DOCKET NO. 07-00153-01
	:	
v.	:	
TROY DAMIANO,	:	
a/k/a "Melvin Goodman",	:	
Defendant	:	

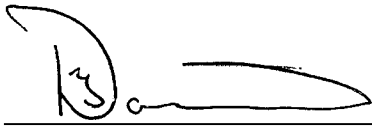
**CERTIFICATE OF SERVICE**

I, Troy Damiano, pro se, certify that I served a true and correct copy of the foregoing Petition for Early Termination of Supervised Release, filed in the above matter, by first-class mail on March 25, 2019, upon the following parties:

Honorable Gene E.K. Pratter  
United States District Court, Eastern District of Pennsylvania  
James A. Byrne U.S. Courthouse  
601 Market Street,  
Room 10613  
Philadelphia, Pennsylvania 19106-1723

Department of Justice  
United States Attorney's Office  
615 Chestnut Street, Suite 1250  
Philadelphia, PA 19106

Date: *Apr. 11*, 2019

By:   
Troy Damiano

Troy Damano  
111 Gail Circle  
Wyomissing, PA 19610

Kate Barkman, Clerk of Court  
United States District Court, Eastern District  
of Pennsylvania  
601 Market Street  
Room 2609  
Philadelphia, PA 19106-1797

U.S. DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA  
X-RAY

111